



Fair Political Practices Commission

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NEWS ADVISORY

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FPPC discusses conflict-of-interest rules at May 13 meeting *Agenda addresses general plan decisions, other issues*

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Proposed regulatory action to address how conflict-of-interest rules apply to local general plan decisions will be discussed by the Fair Political Practices Commission at its monthly meeting on **Thursday, May 13**.

Thursday's meeting begins at 9:45 a.m. in the FPPC's eighth-floor hearing room at 428 J St. (Fifth and J Streets) in Sacramento.

The Political Reform Act prohibits a public official from making, participating in making, or otherwise using his or her official position to influence a governmental decision in which that official "knows or has reason to know" that he or she has a financial interest. If it is "reasonably foreseeable" the decision will have a "material financial effect" on that official, which differs from its effect "on the public generally," then the official is deemed to have a conflict and must abstain from voting.

According to a staff memorandum prepared by Commission Counsel Natalie Bocanegra and Kenneth L. Glick, the proposed regulatory language is "designed to capture general plan decisions which are generic or advisory, while excluding general plan decisions which...implement policy."

Details of the proposed regulatory options are presented in the staff memorandum, which is available on the FPPC website. Adoption of possible regulatory changes is currently planned for August 2004. (**Agenda Item #9**)

In other business, the commission will consider regulatory language clarifying circumstances when a public official "has reason to know" of a financial interest in a governmental decision. A staff memorandum, also prepared by Glick, explains that the possible regulatory action may "provide public officials with greater certainty as to when the Act requires that they disqualify themselves from a governmental decision."

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The proposed regulatory language describes general steps that a public official may take in order to demonstrate reasonable diligence in determining whether a conflict of interest exists. Adoption of regulatory changes is currently planned for August 2004. (#10)

The agenda is posted on the FPPC website at: *www.fppc.ca.gov*. Click on “Agendas” on the left side of the home page, and go to “Current Agenda.”

Proposed enforcement stipulations, orders and exhibits can be obtained from the website by clicking on the link in that agenda item. Memoranda regarding other items on the agenda are also accessible by clicking on the links in those agenda items on the website.

Letters responding to items on the agenda after it was posted on the website 10 days prior to the meeting can be found at the top of the agenda on the website.

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